DOCUMENT RESUME

ED 239 383 EA 016 343

AUTHOR	Ruzicka, Pat; Berard, Barbara, Ed.
TITLE	Balancing RIF & Affirmative Action: A Guidebook for Administrators. Draft.
INSTITUTION	Northwest Regional Educational Lab., Portland, OR. Center for Sex Equity.
SPONS AGENCY	Department of Education, Washington, D.C. Equal Educational Opportunity Program.
PUB DATE	Nov 82
NOTE	43p.
PUB TYPE	Guides - Non-Classroom Use (055) -- Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	*Administrative Policy; Administrative Principles; Administrator Guides; Administrator Responsibility; Administrator Role; *Affirmative Action; Civil Rights; Elementary Secondary Education; *Employment Practices; Guidelines; *Personnel Policy; Policy Formation; Problem Solving; *Reduction in Force; Retrenchment

ABSTRACT

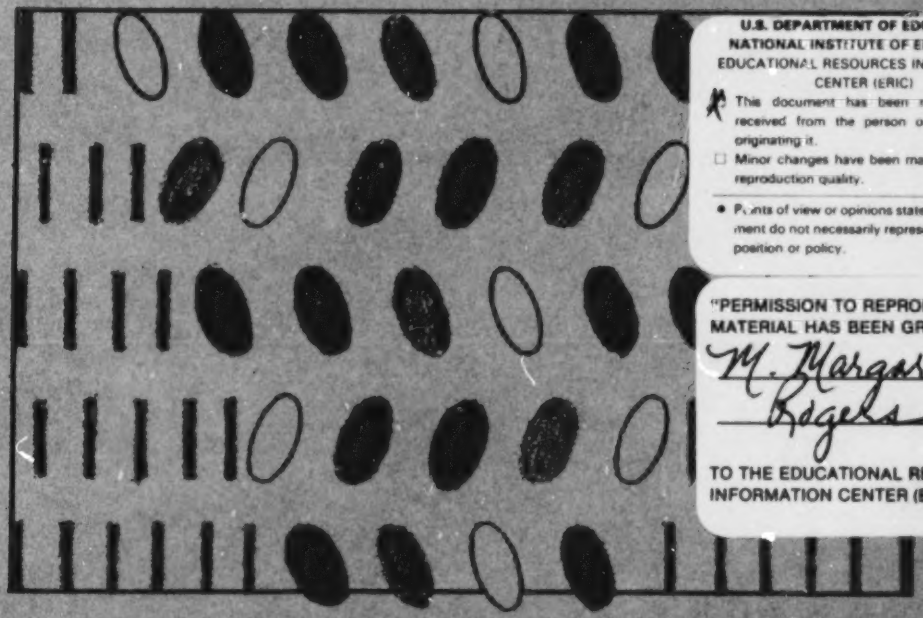
The result of two seminars bringing together educators to discuss the "often conflicting requirements of affirmative action and reductions in force" (RIF), this booklet is intended to provide practical insights and suggestions on meeting affirmative action goals "in situations characterized by staff and program cutbacks." Chapter 1 describes briefly the reasons for affirmative action and RIF's, the booklet's rationale, and the sources of the booklet's information. Chapter 2 examines eight problem areas (administrative concerns, program concerns, employee performance/competence, collective bargaining, hiring practices, legal context, economic context, and community/attitudes/awareness) and offers potential solutions for each one. Chapter 3 provides practical tips for administrators on how to effectively support affirmative action efforts even when faced with staff and program cutbacks. The authors' advice includes keeping abreast of new developments, developing support groups and networks, maintaining policy and procedure guidelines, knowing community needs and views, practicing effective communication, managing more effectively, and improving personal effectiveness. Chapter 4 contains information on policies and procedures. The booklet concludes with three appendixes, including a civil rights background summary, a list of seminar participants, and sample seminar worksheets. (JBM)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

EA

ED239383

BALANCING RIF & AFFIRMATIVE ACTION:



U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

M. Margaret Rogers

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

A Guidebook for Administrators

EA 016 343

Center for Sex Equity
Northwest Regional Educational Laboratory

BALANCING RIF AND AFFIRMATIVE ACTION:

A Guidebook for Administrators

Developed by: Pat Ruzicka, Ph.D.
Edited by: Barbara Berard

November 1982
DRAFT

Center for Sex Equity
Northwest Regional Educational Laboratory
300 S.W. Sixth Avenue
Portland, Oregon 97204

Center for Sex Equity Staff

Barbara Hutchison, Director
Barbara Berard
Dominic Cappello
Bonnie Faddis
Marilyn Sue Hartzell
Sharon Kallas
Jan McCrimmon
John Medlin
Leon Paulson
Pat Ruzicka

DISCRIMINATION PROHIBITED--No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, or be so treated on the basis of sex under most education programs or activities receiving Federal assistance.

Produced by the Northwest Regional Educational Laboratory under a grant from the U.S. Department of Education, Equal Educational Opportunity Programs. The opinions expressed herein do not necessarily reflect the position or the policy of the Department of Education. The content of the program is the responsibility of the grantee, and no official endorsement should be inferred.

© 1982, Northwest Regional Educational Laboratory.

NOTE: This work represents development efforts to date and should not be considered as final material. Use of this material is limited to those persons cooperating in the review of the document. This material is not to be copied or reproduced.

ACKNOWLEDGEMENTS

This booklet represents the cooperative efforts of many people. In particular, the Center for Sex Equity wishes to acknowledge the participants in the RIF/Affirmative Action seminars; they were the administrators and policymakers who identified the essential information to be included in the booklet.

The Center also would like to acknowledge the following individuals: Larry Mylnechuk, for support of the initial concept and for helpful suggestions during the early stages; Ivy Boslough, for background research; James Dixon, for background information and for assistance as a seminar leader; and Pamela Jacklin and Carolyn Kelly, for critical reviews of the first draft.

In addition, Center staff acknowledges the continued support of state departments of education and state Title IV coordinators in Idaho, Oregon and Washington.

Last but not least, staff extend a thank you to the production people at the Northwest Regional Educational Laboratory who helped present the information in an attractive and useful format.

PREFACE

The Center for Sex Equity at the Northwest Regional Educational Laboratory in Portland, Oregon, is one of several regional assistance centers in the nation; these Centers are funded to assist school districts in reducing sex bias and discrimination in educational programs and employment practices. Based on recent requests and inquiries received by the Center, the issue of maintaining affirmative employment practices and quality instructional programs in the face of reductions in force (RIF) and program cutbacks is a concern of state and local education agencies in the Northwest.

In order to help school districts meet this challenge, the Center sponsored two seminars which brought together educators with diverse backgrounds who shared their experience and knowledge in balancing the two often conflicting requirements of affirmative action and RIF. The following booklet is a result of those seminars. The purpose of the booklet is to offer practical insights and suggestions on how to meet affirmative action goals in situations characterized by staff and program cutbacks.

Barbara Hutchison, Director
Center for Sex Equity

CONTENTS

	Pages
Chapter 1: INTRODUCTION	1
• Why Affirmative Action?	1
• Why Reductions in Force?	2
• Why This Booklet?	2
• Where Did This Information Come From?	3
Chapter 2: PROBLEMS AND SOLUTIONS	5
• Problem Area: ADMINISTRATIVE CONCERNS ("The System")	6
• Problem Area: PROGRAM CONCERNS (Staffing Needs/Program Priorities)	7
• Problem Area: EMPLOYEE PERFORMANCE/COMPETENCE	8
• Problem Area: COLLECTIVE BARGAINING	9
• Problem Area: HIRING PRACTICES	10
• Problem Area: LEGAL CONTEXT	11
• Problem Area: ECONOMIC CONTEXT	12
• Problem Area: COMMUNITY/ATTITUDES/AWARENESS	13
Chapter 3: PRACTICAL TIPS FOR ADMINISTRATORS	15
• Knowledge Base	16
• Support Groups and Networks	17
• Policy and Procedures Guidelines	18
• Community Needs and Views	19
• Communication Process	20
• Management Techniques	21
• Personal Style	22
Chapter 4: POLICYMAKING	23
• Policies versus Procedures	23
• The Policy Process	23
• Sample Policies	26
• Procedures	29
References	31
Appendices:	
Appendix 1: Civil Rights Background	33
Appendix 2: Seminar Participants	35
Appendix 3: Seminar Worksheets	37

CHAPTER 1

INTRODUCTION

Why Affirmative Action?

"Affirmative action" is defined by the U.S. Commission on Civil Rights as those "...active efforts that take race, sex and national origin into account in remedying discrimination."[1] McCune and Matthews use the term "affirmative action" to mean employer-intiated action taken to overcome the effects of conditions which have resulted in limited participation by women and minorities.[2] Their concept of affirmative action is distinguished from actions taken after a formal finding of discrimination by a federal or state agency or court.

Employment policies have gradually changed over the last ten years in response to antidiscrimination legislation and the mandate to establish and maintain affirmative action programs. Affirmative action and equal employment efforts have emerged as a deliberate public response to the historic and continuing problems of race, sex and national origin discrimination. These efforts are firmly rooted in the constitutional guarantees of equal protection under the law to all people. (See Appendix 1 for a discussion of the civil rights laws supporting affirmative action programs.) Although discriminatory practices are considered by many to be relics of a forgotten past, they continue to affect our society adversely. Thus the need for affirmative employment policies persists.

---

[1] U. S. Commission on Civil Rights. Affirmative Action in the 1980s: Dismantling the Process of Discrimination, 1981, p. 3.

[2] Shirley McCune and Martha Matthews. Programs for Educational Equity: Schools and Affirmative Action. Washington, DC: Government Printing Office, 1975.

Why Reductions in Force?

Several factors have contributed to the present situation in public education which requires staff and program cutbacks. These factors include, but are not limited to:

- a gradual decrease in the birthrate which has resulted in steadily declining school enrollments. Although current evidence suggests that enrollments are stabilizing, the long term outlook indicates that the time of automatic expansion in public education is over.

- an increase in the number of older citizens in the total population. The impact of the priorities of older citizens can be felt by schools as they compete along with many other agencies and programs for limited tax dollars.

- the high inflation rate. The effects of inflation are felt by school systems as they increase budgets simply to maintain past levels of operation.

- a reduction in state and federal funding for educational programs. When coupled with the high inflation rate, the reduction of state and federal aid to schools has resulted in a fiscal crisis which may only now be filtering down to local schools.

Why This Booklet?

The commitment to affirmative hiring and employment practices has now run headlong into increasing pressures to cut back educational programs and/or staff because of shrinking resources. Some states have legislated that affirmative action practices must be maintained when making reduction in force (RIF) decisions. Other states have left it to the discretion of school districts how best to handle cutback situations. In either case, administrators and policymakers are the ones who must ultimately carry out the doubled edged mandate of making necessary cutbacks while not sacrificing affirmative action gains.

Traditional approaches, such as increasing class size or cutting extracurricular activities or "last hired, first fired," are no longer automatic answers; past assumptions about how to solve educational problems may no longer be appropriate for dealing with present and future problems. This booklet offers practical advice for dealing with one of the challenging situations encountered by school districts.

Where Did This Information Come From?

This booklet was the result of a seminar which brought together a group of educators who had experience and information to share on RIF, on affirmative action efforts and plans, and on how to balance these two issues (see Appendix 2 for a list of participants). Seminar participants reflected diversity in several respects, including

- geographic region--Alaska, Idaho, Oregon, Washington
- size of district--large, small, sizes in between
- type of community--urban, suburban, rural, "isolated" city/town
- stability of the district--high mobility and turnover, declining enrollment, stable and growing
- nature of administrative role--superintendent, principal, personnel director, curriculum director

Participants all agreed beforehand to share and discuss at the seminar portions of their districts' affirmative action plan, RIF policy, negotiated contract and staffing pattern.

The seminar was designed to be an interactive work session. Activities and discussion drew on the knowledge and expertise of the participants, all of whom were administrators involved in key roles in the formulation and implementation of policy. The specific objectives of the seminar were to identify:

- major issues to be considered in the balancing of RIF and affirmative action
- practical strategies for administrators and policymakers on how to balance RIF and affirmative action efforts
- model affirmative action and RIF policies and accompanying procedures for implementation

The two seminars were conducted in Portland and Seattle on successive days. Worksheets were used to gather information from seminar participants (see Appendix 3). A synthesis of the data from those worksheets resulted in the material presented in this booklet. Seminar participants offered valuable suggestions about what information should be included in the booklet as well as how it should be presented.

CHAPTER 2

PROBLEMS & SOLUTIONS

What are the major problems or issues that surface when school districts try to preserve affirmative employment practices in the face of constraining factors? Administrators and policymakers identified eight general problem areas:

- Administrative Concerns (The "System"/"The Bureaucracy")
- Program Concerns (Staffing Needs/Program Priorities)
- Employee Performance/Competence
- Collective Bargaining
- Hiring Practices
- Legal Context
- Economic Context
- Community/Attitudes/Awareness

The following pages present each problem area in terms of specific issues to consider and some possible solutions, or ways to proceed, in resolving the issues. The eight areas are presented separately for the sake of emphasis; they are not mutually exclusive categories nor do they include every problem an affirmative action officer might expect to encounter.

Problem Area: ADMINISTRATIVE CONCERNS

"The System"/"The Bureaucracy"

Specific Issues	Possible Solutions
Affirmative Action advocates viewed as "troublemakers"	• Recognize the right of all employees to challenge discriminatory practices • Have legitimate informal procedures for resolving problems, as well as workable formal grievance procedures • Conduct periodic inservice for all employees regarding their legal rights and district procedures
"Old boys" network	• Transfer administrators regularly to get "fresh blood," new views and modeling of desired behaviors by administrators • Develop short term (temporary) positions that may infuse "new blood" into the system • Develop and maintain women's networks • Work with nonsexist organizations
Gatekeepers"--blockers within the system	• Review program procedures regularly to insure checks and balances • Avoid placing "gatekeepers" at top management levels • Have a person with "real" decision making power be responsible for affirmative hiring
Inconsistency of certification processes within and among states	• Lobby for more responsive certification, e.g., remove roadblocks in order to promote reciprocity and practicality of requirements
Bureaucratic "red tape"	• Obtain a leader for affirmative action awareness/education component who has authority as well as responsibility (e.g., reports directly to superintendent, has access to funds, staff, resources)

Problem Area: PROGRAM CONCERNS

Staffing Needs/Program Priorities

Specific Issues	Possible Solutions
Conflict between affirmative action planning and staffing/program needs	• Develop and follow affirmative action program goals; have building goals
Building needs, e.g., secondary coaching, supervision	• Separate contracts for teaching and coaching • Develop specific affirmative action goals in curriculum areas
Insulation/isolation of central office staff	• Involve building-level administrators • Develop a management team approach
Program needs	• Identify who has authority for program/staffing decisions (advise, recommend, authorize) • Retrain existing staff; gain staff support for new assignments • Build support systems for people being riffed
Lack of data on minority, women, underrepresented positions/areas	• Anticipate underrepresented areas • Collect personnel information/data regularly • Know how your staffing pattern compares to county, regional, area make-up
Lack of qualified trainers to conduct district inservice in affirmative action areas	• Invest in training someone from the district; make available to neighboring districts • Use existing resources, e.g., desegregation assistance centers, state departments of education, education service districts

Problem Area: EMPLOYEE PERFORMANCE/ COMPETENCE

Specific Issues	Possible Solutions
Legal definitions of terms: competence involves training and experience; merit involves ability and effectiveness Interpretations of terms: competence is more objective; merit is more subjective Certification area versus teaching experience and ability	• Find a common ground prior to a crisis situation, e.g., mutually agreed-upon objectives and criteria; define "competent performance," determine how to evaluate it and what takes precedence in various situations
Assessment methods and techniques Inherent subjectivity of assessment	• Develop better job descriptions • Improve the objectivity of evaluation instruments • Support regular evaluation; develop a policy statement which expresses a commitment to evaluation • Hire a third party (i.e. outside) evaluator • Develop several instruments which measure the same concept and give teachers a choice of which to use • Make informal, inhouse evaluation a regular procedure
State legislation/regulations	• Hire/have access to legal counsel--someone who knows interpretations and is familiar with cases and precedents
Unconscious discrimination in promotion process	• Establish internships, incentives, career ladders for minorities and underrepresented women and men; find out what other districts are doing in these areas

Problem Area: COLLECTIVE BARGAINING

Specific Issues	Possible Solutions
Adversary relationship between association and administration due to bargaining process	• Hire or have access to an attorney who knows this area • Mobilize community/parent support; put external pressure on district for affirmative practices • Find the legislative or judicial precedents for affirmative action priority • Take your negotiator to lunch! More practically speaking, take active steps to develop and maintain rapport during negotiations
Teachers' concern for job security greater than concern for educational programs	• Adopt a policy that states the quality of educational programs may take precedence over seniority in RIF decisions • Identify nonsalary benefits and/or incentives that teachers would consider as employment perquisites
Union opposition to training, competency statements and indicators	• Obtain union commitment to training and inservice for teachers
Union disfavor toward increasing applicant pools	• Integrate both RIF and affirmative action language into the contract, or remove RIF language from the bargaining agreement
Seniority as top priority for unions	• Negotiate CONTRACT LANGUAGE (not just a policy statement) supporting affirmative action over seniority when necessary

Problem Area: HIRING PRACTICES

Specific Issues	Possible Solutions
Applicant pool: inadequate pool of qualified minorities, women and men for traditionally underrepresented areas Vacancy advertisements	• Seek a grass roots approach to finding candidates; take advantage of existing networks • Make better use of college and university placement services • Keep regular contact with minority organizations • Interview all minority applicants meeting minimum qualifications • Obtain board commitment/action to provide money for recruiting • Develop a better definition of "best qualified," i.e., define criteria for position
District location a negative factor	• Conduct active recruiting program • Go outside the geographic area with contacts, networking
Unconscious discrimination in hiring process	• Develop relevant and practical interview questions in advance • Give careful attention to the job description: skills, responsibility • Have a job description that does not preclude minority applicants • Review hiring process to insure checks and balances, and fairness at each step

Problem Area: LEGAL CONTEXT

Specific Issues	Possible Solutions
Conflict between federal and state interpretations; conflict between laws and negotiated contracts	• Hire a qualified attorney with expertise in equal employment opportunity/labor relations • Seek help from state and regional equal employment opportunity specialist (know who that person is!) • Lobby to revise laws for consistency
Lack of appropriate data bases to support affirmative action	• Keep abreast of most recent court cases (through newsletters, regular contact with attorney) • Work toward gathering county statistics
Lack of indistrict expertise in the area of affirmative action	• Encourage intensive training of state level people to filter affirmative action into local education agency programs • Use the education service districts or other intermediate agency • Provide training on special issues, e.g., RIF alternative, sexual harassment

Problem Area: ECONOMIC CONTEXT

Specific Issues	Possible Solutions
Declining financial resources: a. Reduction in federal dollars for public schools b. Reduction in state support (declining enrollments) c. Declining tax base (school levies)	• Gain active involvement by superintendent to get and maintain support of key community and organizational people to explore alternatives • Encourage superintendent to "sell" affirmative action as he or she "sells" a budget • Gain public support of "power" people in the community/region
Increasing competition by business and industry for qualified women and minorities Ability of business/industry to put more dollars into recruiting and salaries	• Develop business/school liaisons and co-beneficial programs, e.g., a. high school experience/internship programs in the business sector b. faculty exchange program c. resources exchange d. curriculum development that can benefit business or community • Develop, publicize and emphasize trade-offs/benefits other than salary

Problem Area: COMMUNITY/ATTITUDES/AWARENESS

Specific Issues	Possible Solutions
Entrenched attitudes/resistance to change Unconscious reinforcement for discrimination; no corresponding reward for nondiscrimination Poor communication	• Provide inservice training of educators regarding affirmative action concerns • Develop an information packet for dissemination
Tendency of majority culture to obscure other cultures	• Promote cross-cultural communication • Develop awareness goals for all cultural groups
Poor public relations Lack of community support for school affirmative action efforts	• Appoint a cadre of building-level administrators who are responsible for the development of affirmative action awareness in the community • Target specific audiences, e.g., students, local businesses, school board • Develop media contacts and use them • Involve local resource agencies, education service districts, desegregation assistance centers, civic groups, state departments of education • Develop and maintain a visible, active, involved school board
Stereotypic notions or traditional expectations of women, men, minorities	• Identify various role models for each group
Geographic or cultural isolation	• Extend your network beyond your geographic area
Too big a problem	• Take things one step at a time; set realistic goals

CHAPTER 3

PRACTICAL TIPS FOR ADMINISTRATORS

Seminar participants were asked to identify the most important "tips" that they would pass on to their successors. From this exercise came practical suggestions for how administrators can effectively support affirmative action efforts even when faced with staff and program cutbacks. The following pages present specific strategies in the areas of:

- knowledge base
- support groups and networks
- policy and procedures guidelines
- community needs and views
- communication process
- management techniques
- personal style

"Know Your Stuff" by continually expanding your knowledge base.

1. Keep current by:

   - reviewing federal and state antidiscrimination laws and regulations, court cases, issues, trends
   - reading newsletters such as "Schools and Civil Rights News" and "P.E.E.R. Perspective"
   - making regular personal contacts with attorneys, state departments of education, Office for Civil Rights.

2. Keep good records and data, including:

   - entry date, date of last continuous employment
   - staffing plan, balance of men, women, minorities
   - percentages for various racial and ethnic groups in your community or region.

3. Consult someone who knows more about it than you do when you're unsure! If necessary, seek legal advice or technical assistance.

4. Build on what works--don't reinvent the wheel.

Develop support groups and networks, both within and beyond your immediate system.

1. Identify the "true" supporters of equity efforts, wherever they are in the district, community or state, and rely on them formally and informally.

2. Maintain regular contact with people who are your counterparts in other districts in the county, state or region.

3. Keep in touch with professionals that you know on an informal or personal basis. Touching base periodically may turn out to be helpful in the future--for information, a contact or a strategy to use.

4. Help establish networks if there is a need, e.g., certain program areas, grade levels, parents, support groups for riffed staff.

5. Try to work with significant (influential) people who support your affirmative action efforts.

6. Train staff on equity issues and what they can do.

7. Share what's successful with others (staff and community).

Emphasize the importance of having policy and procedures guidelines.

1. Develop districtwide commitment to affirmative employment practices. This includes obtaining commitment from:

   - school board members
   - central office personnel
   - building level (middle management) administrators.

2. Involve parent advisory and community groups in the policy process so they will be encouraged to develop ownership in or commitment to the district's policies.

3. Involve an affirmative action committee (or at least the affirmative action officer) in policy formulation.

4. Review and rewrite policies/procedures. Remember that they aren't "etched in stone." - Change them if necessary so they work for you. Remember that (a) policy tells <u>what</u>, procedures identify <u>how</u>; (b) policy is written in more general terms and procedures in more specific terms.

5. Be consistent in implementation of policies. In other words, it is important to <u>follow</u> the procedures as they are identified.

6. Review policies/procedures regularly so you can see what works and change what doesn't.

7. Remember that procedures often can be changed without having to change the policy.

Know your community's needs and views.

1. Pay attention to school/community relations! Develop regular formal communication with the community through the local papers, newsletters or school board minutes. Disseminate information regularly; stay on top of the public relations process.

2. Find and use community resources, e.g., organizations, businesses, minority leaders and politically influential people to help further affirmative action goals and to support or retrain riffed employees.

3. Initiate and encourage community "inservice" or awareness activities on problems of affirmative action and RIF.

4. Have a staff/community advisory committee (to make recommendations, disseminate information, make presentations to school board).

5. Be aware of the political implications whenever you combine RIF with affirmative action.

Practice effective communication: work toward making it regular, open and honest.

1. Insist on regular, periodic opportunities to present "formal" reports on progress toward affirmative action goals (to the board, community, staff).

2. Get on a "first name basis" with teachers' asociation president and with those responsible for contract negotiations, grievances and complaints.

3. Keep your immediate superior informed on pending problems and issues.

4. Make certain that all staff in the district have the same information about RIF concerns, affirmative action objectives (e.g., budget cuts, reduced average daily attendance (ADA), changing state requirements).

5. Encourage two-way communication with your staff. "Keep your door open." Make time to "be available." Informal communication at this level can often clear up a misunderstanding before it becomes a problem.

6. Ask for suggestions from staff and programs before making any decisions. Be open to new information and options or alternatives.

7. Schedule regular meetings for new information, progress reports and conflict resolution.

8. Have a clear/concise one to two-page summary sheet that explains RIF and affirmative action connections in your district. Distribute to staff and community.

9. Communicate with the community.

Work toward being a more effective manager.

1. Take the time and effort to develop timelines for communication and action goals. Make every effort to follow timelines.

2. Evaluate progress regularly and make changes if needed (changes to achieve the objective, not to extend the time!).

3. Break down long term goals into short range objectives. Translate objectives into specific activities, reports and presentations.

4. Keep objectives and activities visible and "out in front" of everyone. Talk about them, refer back to them.

5. Have a job description for the affirmative action officer.

6. Have regular involvement of building level administrators in the district planning process.

7. Move middle management (building level administrators) around for new energy and fresh perspective. Keep your buildings alive and vitalized.

8. Try to resolve problems early and internally whenever possible.

9. Define teachers union obstacles to affirmative action.

10. Make changes when they count. Don't take "token" actions. Say it where it counts. Take the risks!

11. Remember that commitment results in action.

Work to improve your personal effectiveness.

1. Be visible and active in affirmative action efforts; model equity in your attitudes and behaviors to insure your credibility.

2. Proceed cautiously until you feel confident about your board's support and your knowledge base.

3. Try to de-personalize RIF or affirmative action complaints. People are angry about situations, they are not angry at you personally.

4. Be a listener for people who have been riffed. Develop support systems for them if possible (e.g., resume preparation, job information bank, people to contact).

5. Know your "philosophical base." Be prepared to describe and justify district policies and procedures to anyone.

6. Stand your ground if confrontation is appropriate or necessary. Be assertive, not aggressive.

7. Develop a good working relationship with your superintendent (regular sharing of information, potential problems or successes).

8. Be willing to discuss before you make a judgment.

9. Keep your sense of humor. It'll come in handy at times.

CHAPTER 4

POLICYMAKING

Policies versus Procedures

Policies are general guideline statements that make clear where a school district stands on important issues. Policy statements set boundaries and define expectations; they guide and determine present and future decisions. Clearly written policy serves several purposes, including:

- to insure continuity from one administration to another
- to clarify expectations and responsibilities within the present administration
- to give direction to the superintendent
- to define the school board's position on issues
- to give information to the staff and the public

Policy statements should be specific enough to give clear guidance, yet broad enough to allow the administration to have some discretion in their implementation.

Procedures spell out the mechanics of how a policy is to be implemented. Procedures flesh out the administrative details of who does what, when, where and how. In general, procedures can be changed without changing the policy. In other words, it is not always necessary to have school board approval to change implementation procedures. However, it may be appropriate for school boards to review procedures on a sensitive issue such as RIF.

The Policy Process

Good policy statements are <u>not</u> written with a swift flourish of a pen at a moment's notice. Before adopting a finished and polished policy statement, an organization has progressed through several sequential steps: (a) recognizing a <u>need</u> to change or

formulate policy; (b) identifying and discussing several policy options; (c) drafting a tentative policy statement; (d) reviewing and revising the statement if necessary; (e) formally adopting the policy statement and (f) implementing the new policy.

Questions about implementation procedures will probably surface as a policy statement is drafted and refined. If the policy concerns a complex or sensitive area, guidelines for procedures may be identified as the policy is formulated. However, it is the task of school administrators, not the school board, to define and carry out the procedures by which policies are implemented.

The chart on the next page describes each step in the policy process and identifies the person or group having primary responsibility at each step.

One way to proceed in balancing RIF issues with affirmative action efforts in your district is to begin by informally reviewing district policies in these two areas. As you review, consider the following key questions:

1. Can you distinguish between policy statements and procedural guidelines? Many policy statements are actually a combination of the two.

2. Has the "policy process" been followed? In many instances the process jumps from the need to the final policy statement, without discussion of other alternatives.

3. Are the appropriate people assuming primary responsibility at each step of the policy process? In some cases the board and the superintendent may disagree in the consideration of visible options or in the development of implementation procedures.

The Policy Process

Steps	Primary Responsibility
RECOGNIZE A NEED: May come from a variety of sources, e.g., teachers, community, school board, administration.	(varies)
CONSIDER POLICY OPTIONS: Board requests, superintendent presents; identification of basic elements of each option; two-way communication between board and superintendent; evaluation of alternatives.	Superintendent and School Board
DRAFT A POLICY STATEMENT: May be a synthesis of the best of the options; may or may not include procedure considerations; superintendent brings to board for first reading.	Superintendent
REVIEW/REVISE: Board may make changes or direct superintendent to make them; policy is made available to staff, student, community response.	School Board
ADOPT: Board informs all who are (or will be) affected by new policy.	School Board
IMPLEMENT: When policy is formally adopted, the superintendent becomes responsible for insuring its implementation.	Superintendent

Sample Policies

Affirmative Action. Generally speaking, affirmative action policy statements are such that the same (or similar) statement could apply to a district of any size and in any location. An affirmative action policy statement typically reads as follows:

> The _____ School District (or Board of Education) is fully committed to the principles of equal access to employment and educational opportunities, and equal treatment of students and employees. Therefore, the District (Board) strongly supports affirmative action as a method for systematically removing barriers which discriminate against individuals because of age, sex, race, religion, national origin, marital status, mental or physical handicap.* The District (Board) directs the Superintendent and district administrators to vigorously pursue their respective goals in assuring equal access, equal opportunity and equal treatment in education and employment practices through the implementation of affirmative action measures.

A second option for expressing an affirmative action policy is:

> It is the policy of the _____ School District (or Board of Education) to promote and demonstrate the concept of nondiscrimination in the delivery of all educational services and in all employment practices. The commitment to equal opportunity and equal treatment applies to all persons regardless of race, national origin, sex, age, religion, marital status, physical or mental handicap.*

---

*Other categories which can be included are: veteran status (Viet Nam), sexual preference, and personal or political patronage or ideology.

Also, the term "developmental disability" is often used in place of "mental handicap," and sometimes the term "handicapping condition" is used to refer to both physical and mental handicaps.

Reduction in Force. RIF policies state the general terms and conditions that govern staffing cutbacks in the district. Your RIF policy should contain a section or paragraph describing how cutbacks will affect minority groups and women. This section should not conflict with your affirmative action policy or goals nor sacrifice your affirmative employment gains.

The following are two examples of policy statements for the disposition of minorities and underrepresented groups in RIF situations.

Example #1

It is the policy of the _____ School District (or Board of Education) that all employees belonging to any of the protected classes as defined by law shall be represented within the District by a proportion which is not lower than the percentage representation of that same group within designated comparison area.* Protected classes include those groups which have been discriminated against on the basis of:

- age
- national origin or ethnic background
- sex
- physical condition or handicap
- race
- marital status
- religion
- Vietnam veterans

---

*The designated pool for comparison might be one of the following:

(a) all certificated (or classified) staff in the district
(b) all staff/employees in the district
(c) the school district's geographic boundaries
(d) the county (or education service district) boundaries

There might be other valid comparison pools. It is wise to seek legal advice about the soundness of the comparison pool used by your district.

Example #2

The District (or Board) shall continue to maintain its affirmative action commitment to employ teachers of racial and ethnic background minorities and to employ women and men in traditionally underrepresented positions. When a teacher reduction in force is necessary, minorities and underrepresented groups shall be affected as follows:

1. If the layoff of teachers can be accomplished according to established procedures without lowering the current percentages of minorities or underrepresented groups in the bargaining unit, the standard procedures shall be followed and this special provision shall not be used.

2. If the layoff of teachers cannot be accomplished according to established procedures without lowering the current percentages of minorities or underrepresented groups within the bargaining unit, then the number of minority or underrepresented teachers shall be reduced no lower than (one of the following alternatives):

   Alternative (a)--the percentage of all certificated minorities employed by the District;

   Alternative (b)--the percentage of all minorities (certificated and classified) employed in the District;

   Alternative (c)--the percentage of that minority group as represented within the District (or county) (or education service district).*

3. Layoff within the minority and/or underrepresented groups shall take place on the basis of seniority.

*Refer to note accompanying RIF Example #1.

Procedures

Whether some procedures are legal or not may depend on facts or circumstances unique to a given district or state. For example, some procedural elements may violate equal protection rights if they include comparisons based on groups which extend beyond the immediate pool of certificated (or classified) employees in the district. It is a good idea to seek legal advise before carrying out affirmative action or RIF procedures.

Affirmative Action. Generally speaking, affirmative action procedures should cover the following area:

1. Job descriptions, e.g., tasks and responsibilities of relevant people and/or groups.

2. Responsibility and accountability, e.g., who will be responsible for affirmative action goals/objectives?

3. Information sharing, e.g., staff orientation, dissemination of affirmative action materials, regular updates for staff and community (community liaison)

4. Hiring process, e.g., entry, promotion, transfer, advertising, recruitment, screening, selection, monitoring.

5. Inservice training and advancement, e.g. workshops in specific "equity" areas (such as sexual harassment), internship opportunities for upward mobility.

6. Ongoing data collection on minorities, women and underrepresented groups.

7. Employee treatment, e.g., how are minorities, women and underrepresented groups affected in RIF situations?

8. Grievance procedures, e.g., informal mechanism/resolution, formal complaint process, timelines.

9. Evaluation, e.g., What instruments, data, procedures will be used to assess progress toward affirmative action goals? What process will be followed? What criteria for achievement or progress?

Reduction in Force. Generally speaking, RIF procedures should cover the following areas:

1. Relevant terms, e.g., definitions for "termination," "teacher, specialist," "certificated staff," "classified staff," "financial exigency," "program change." Even terms such as "committee," "school day" or "working day" should be reviewed carefully to see whether they need clarification.

2. Termination criteria, e.g., What conditions must exist? Who makes what decisions? Within what time frames?

3. Decision-making process, e.g., What must be known by whom in the decision-making process? What persons or groups advise or recommend? What persons or groups have authority for what kinds of decisions (department heads, building administrators, committees)?

4. Notices to employees, e.g., contents of notices, timelines, terms/conditions of recall, challenge/grievance process.

5. Hearing or review procedures for individuals, e.g., request for hearing (or review), conduct of hearing/review, by whom, procedure after hearing/review.

6. Obligations with respect to re-employment or other employment.

7. Conditions for using RIF procedures, e.g., whether the RIF procedure is exclusive to exigency/emergency situations.

REFERENCES

1. Affirmative Action in the 1980's: Dismantling the Process of Discrimination. Washington, DC: U.S. Commission on Civil Rights, 1981.

2. Downey, Gregg W. "What School Boards Do When That Irresistible Force Called RIF Meets That Immovable Object Called Affirmative Action." American School Board Journal, v. 163, n. 10 (October 1976), pp. 35-38.

3. Kanter, Rosabeth M. "Differential Access to Opportunity and Power," in Alvarez, Lutterman, & Associates, Discrimination in Organizations. San Francisco, Jossey-Bass Publishers, 1979.

4. Keys to School Boardsmanship. Portland, OR: Northwest Regional Educational Laboratory, 1980.

5. McCarthy, Martha and Amy Zent. "Affirmative Action for School Administrators: Has it Worked, Can it Survive?" Phi Delta Kappan, v. 63, n. 7 (March 1982), pp. 461-463.

6. Phay, Robert E. Reduction in Force: Legal Issues and Recommended Policy. Topeka, KS: National Organization on Legal Problems of Education, 1980.

7. Promises and Perceptions: Federal Efforts to Eliminate Employment Discrimination Through Affirmative Action. Washington, DC: U.S. Commission on Civil Rights, 1981.

8. Roles and Relationships: School Boards and Superintendents. Arlington, VA: American Association of School Administrators, 1980.

9. Rucker, Robert and Jerry Bailey. "The Fall and Demise of Affirmative Action" (mimeographed manuscript). Lawrence, KS: University of Kansas, 1981.

10. Various policy statements on affirmative action and reduction in force from school districts represented at the seminars.

APPENDICES

Appendix 1: Civil Rights Background

Affirmative action programs are aimed in part at the elimination of systematic discriminatory practices, unintentional or otherwise, which have been built into systems and institutions which control access to employment opportunity. The major civil rights laws supporting affirmative action efforts are:

- Civil Rights Act of 1964, Titles VI and VII
- Title IX of the 1972 Civil Rights Act, as amended
- Equal Employment Opportunity Act of 1965 and subsequent amendments of 1967 and 1972
- Emergency School Aid Act of 1965 and subsequent amendments of 1967, 1972 and 1976

These laws contain major provisions which prohibit actions, intended or unintended, that have a disproportionate effect on the basis of race, religion, national origin or sex.

As part of the Civil Rights Act, Congress established the Equal Employment Opportunity Commission (EEOC); this agency has enforcement powers to investigate complaints, conciliate, and recommend the initiation of civil action by the Department of Justice. According to subsequent amendments to Title VII, the EEOC has jurisdiction over businesses engaged in interstate commerce that employ more than 15 employees. Its jurisdiction includes employment by state and local governments, and educational institutions (Public Law 92-261). The EEOC is also empowered to initiate legal actions in federal court against violators of EEOC orders. When a violation of the law has been proven, the courts are authorized to issue "cease and desist" orders enjoining unlawful employment practices.

The history of the executive branch of the federal government in addressing employment discrimination has spanned four decades and has been undertaken by Republican and

Democratic administrations alike. The first executive order related to equality of employment opportunity was issued in 1941 by President Roosevelt. It established a committee on fair employment practices to investigate complaints against companies holding defense-related contracts (Executive Order 8802). Over the last twenty years, the executive branch of the federal government has adopted and enforced guidelines and regulations calling for various forms of affirmative action. This has been accomplished through a series of executive orders that provide for nondiscriminatory employment by federal contractors and construction contractors on federally-assisted projects.

The current order is Executive Order 11246 as amended by Executive Order 11375. It imposes upon federal contractors the duty to make a self-determination of the need for affirmative action without resorting to a judicial determination. Like other affirmative action requirements applicable to federal contractors, this "self-analysis" requirement appears in regulations promulgated by the Office of Federal Contract Compliance, United States Department of Labor. The regulations require:

> An analysis of all major job classifications at the facility, with explanation if minorities or women are currently being underutilized in any one or more job classifications....

These regulations list affirmative actions that may be appropriate, including actions in the areas of qualifications, recruitment, training, promotion and counseling.

Appendix 2: Seminar Participants

Name	School District	City/Town
Alaska		
Cromett, Harvey	Alaska Department of Education	Juneau
Cross, Leo	North Star Borough School District	Fairbanks
Daggett, Dennis	Kenai-Peninsula School District	Soldotna
MacKinnon, Donald L.	Juneau Borough School District	Juneau
Schave, Nancy	Nome Public Schools	Nome
Strachan, Rita	Anchorage School District	Anchorage
Idaho		
Bertino, Frank	Shoshone County School District	Wallace
Cummings, Ronald	Aberdeen School District	Aberdeen
Dutton, Robert	Kellogg School District	Kellogg
Hawes, Verl	Marsh Valley School District	Lava Hot Springs
Johnson, Thales	Ririe School District	Ririe
May, Howard	Oneida County School District	Malad City
Mutterer, Richard	Council School District	Council
Reed, James A.	Weiser School District	Weiser
Underwood, Karen	Idaho Department of Education	Boise
Wayland, Patricia	Boise School District	Boise

Name	School District	City/Town
Oregon		
Collins, R. H.	Lebanon School District	Lebanon
Copenhaver, Kate	Newberg School District	Newberg
Hempel, Marv	Centennial School District	Portland
Hult, Carolyn	Eugene School District	Eugene
Hutchison, Ron	Lincoln County School District	Newport
Kelly, Carolyn	Beaverton School District	Beaverton
Larcom, Richard	Lincoln County School District	Newberg
Latour, Dick	Jackson Education Service District	Medford
Mountain, James E.	David Douglas School District	Portland
Olson, Shirley	Lebanon School District	Lebanon
Schlimgen, Tom	Molalla Union High School District	Molalla
Washington		
Bragg, Ruby	Federal Way School District	Federal Way
Carlson, Val	Bellevue School District	Bellevue
Jensen, Sherrie	Kent School District	Kent
Lombard-Cotton, June	Highline School District	Seattle
Mariotti, Richard	Camas School District	Camas
Moffitt, Louise	Puyallup School District	Puyallup
Petry, Larry	Yakima School District	Yakima
Stewart, Rindetta	Tacoma School District	Tacoma
Tyree, Eddie	Office of Superintendent of Public Instruction	Olympia

Appendix 3: Seminar Worksheets

WORKSHEET: MODEL POLICIES AND PROCEDURES

POLICY AREA (circle one): Affirmative Action Reductions in Force

POLICY STATEMENT:

IMPLEMENTATION PROCEDURES:

MISCELLANEOUS NOTES, ETC.:

CSE/NWREL/6/82

WORKSHEET: IDENTIFYING CONCERNS

PROBLEM AREA: _____

FACTORS TO CONSIDER:

PROBLEM
AREA: _____

FACTORS TO CONSIDER:

PROBLEM AREA: _____

FACTORS TO CONSIDER:

PROBLEM
AREA: _____

FACTORS TO CONSIDER:

CSE/NWREL/6/82

WORKSHEET: EXPLORING ISSUE AREAS

PROBLEM AREA: _____

PROBLEM STATEMENT: _____

FACTORS TO CONSIDER	POSSIBLE SOLUTIONS	POLICY STATEMENTS INDICATED

MISC. NOTES:

CSE/NWREL/6/82